

Nos. 10-16696 and 11-16577

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KRISTIN M. PERRY, et al.
Plaintiffs-Appellees,

v.

ARNOLD SCHWARZENEGGER, et al.
Defendants.

ON APPEAL FROM UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
CIVIL CASE NO. 09-cv-2292 VRW (Honorable Vaughn R. Walker)

**DECLARATION OF CHUCK STOREY IN SUPPORT OF
MOTION TO INTERVENE AS DEFENDANT-APPELLANT**

ADVOCATES FOR FAITH AND FREEDOM

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Attorneys for Movant-Appallents and Proposed Defendant-Appellant
PROPOSED DEFENDANT-APPELLANT, CHUCK STOREY

I, Chuck Storey, the County Clerk of the County of Imperial ("County"), have personal knowledge of the facts in this declaration, and if called as a witness, I could and would competently testify to these facts under oath:

1. I was elected County Clerk of the County of Imperial in November, 2010, and subsequently took the oath of office on January 3, 2011. By statute, my position and official responsibilities include all the duties of a County Clerk with respect to marriage under California law. Specifically, my duties include performing marriage ceremonies and issuing marriage licenses.

2. I have been informed that the Governor, Attorney General, and other elected officials are not actively defending Proposition 8 in the above-captioned litigation. I have also been informed that due to their failure to file an appeal there is a possibility that the district court's ruling declaring Proposition 8 unconstitutional, and the Ninth Circuit's opinion affirming that ruling, might not be appealable to either this Court or the United States Supreme Court.

3. I am concerned that an unappealable ruling striking down Proposition 8 would create significant confusion for me and other Imperial County Deputy clerks and officials in the performance of our legal duties regarding marriage. It is unclear to me whether, in such a situation, Imperial County Deputy Clerks and other county officials would have a duty to follow Proposition 8 as now enshrined in the California Constitution or to follow the ruling of the Ninth Circuit panel and

issue marriage licenses to, or perform marriage ceremonies for, same-sex couples. Such confusion would materially disrupt and impede the performance of my official duties relating to marriage and could potentially cause me and my office liability for refusing to comply with the California Constitution on the one hand or denying same-sex couples a marriage license on the other.

4. Shortly thereafter, I learned of the status of this present litigation, and I engaged Advocates for Faith and Freedom to seek intervention on my behalf in this Ninth Circuit appeal.

5. I am seeking to intervene in this matter to ensure appellate review in order that there be clarity and certainty as to the legal duties of the Imperial County Clerk and other county officials relating to marriage.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 21, 2012 at El Centro, County of Imperial, California.



Chuck Storey

CERTIFICATE OF SERVICE

I am employed in the county of Riverside, State of California. I am over the age of 18 and not a party to the within action. My business address is 24910 Las Brisas Road, Suite 110, Murrieta, California 92562.

☒ I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on February 21, 2012.

☐ I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the above-referenced documents by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants.

See Attached List

Executed on February 21, 2012, at Murrieta, California.

☒ (Federal) I declare that I am a member of the Bar of this Court at whose direction the service was made.

s/ Robert H. Tyler
Email: btyler@faith-freedom.com